

Brodnick et al.

U.S. Serial No. 09/661,064

IN THE CLAIMS:

- B1
1. (Twice Amended) A portable ECG device comprising:
 - a plurality of lead wires;
 - a portable, on-demand ECG monitor adapted to be connected to the plurality of lead wires, each lead wire having a transducer capable of receiving an ECG signal from a patient in a standard 12-lead configuration, the ECG monitor having a processor to process the ECG signals from the plurality of lead wires and produce standard 12-lead ECG data representative of cardiac condition of the patient;
 - a wireless communication interface coupled to receive patient ECG data from the ECG monitor and capable of transmitting patient ECG data to a health care provider.

REMARKS

Claims 1-15 are pending in the present application. In the Office Action of February 4, 2003, the Examiner rejected claims 1-15 under 35 U.S.C. §112, second paragraph. The Examiner next rejected claims 1, 2, and 11-13 under 35 U.S.C. §102(e) as being anticipated by Murphy (USP 6,409,661). The Examiner further rejected claims 1-3 and 7-10 under 35 U.S.C. §103(a) as being unpatentable over David et al. (USP 5,544,649). Claims 1, 2, 4-6, and 7-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bornn et al. (USP 5,564,429). Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Born et al. in view of Morgan et al. (USP 5,782,878). The Examiner indicated that the Office Action is final.

Claim Rejections – 35 U.S.C. §112

The Examiner rejected claims 1-15 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Regarding claim 1, the Examiner stated the claim "is vague and indefinite" for citing the limitations "a plurality of lead wires", and "a health care provider" "inferentially." However, Applicant addressed the rejection in remarks responsive to the Office Action of July 18, 2002. In those remarks, Applicant stated that one skilled in the art will readily recognize that "a healthcare provider" is not a required element of the claim. The claim merely states that a wireless